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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,421

11/12/2003

Wade Carter

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ARRIS INTERNATIONAL, INC
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EXAMINER

TRAN, NGHI V

ART UNIT

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2151

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12/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,421

Applicant(s)

CARTER ET AL.

Examiner

Nghi V. Tran

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on October 15, 2007. No claims have been amended. No claims have been canceled. Therefore, claims 1-25 are presented for further examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmuelling et al., United States Patent Number 6,603,758 (hereinafter Schmuelling) in view of Bahlmann, United States Patent Number 6,195,689 (hereinafter Bahlmann).

4. With respect to claims 1, 13, and 19, Schmuelling teaches a method for configuring a first network device in a communication network [see abstract], comprising:

- selecting one or more subsets of a plurality of standardized network equipment configuration parameters by setting a variable to a certain value

corresponding to the subset [i.e. send ISP list step 212 through step 220 of fig.2];

- saving the values corresponding to the selected subsets to a database entry on a server with the user interface [i.e. change db entry, step 222 of fig.2];
- loading the configuration parameters from the server to the first network device [i.e. loading configuration parameters step 518 of fig.5]; and
- setting software switches within the first network device based on the selected ISP [figs.2 and 5].

However, Schmuelling does not explicitly show saving and loading the configuration file from the server to the first network device and setting software switches within the first network device based on the configuration file.

In a provisioning method, Bahlmann suggests saving and loading the configuration file [i.e. configuration file **202**] from the server to the first network device and setting software switches within the first network device based on the configuration file [col.1, ll.45 through col.2, ll.26; col.4, ll.5 through col.6, ll.65].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Schmuelling in view of Bahlmann by saving and loading the configuration file from the server to the first network device and setting software switches within the first network device based on the configuration file because this feature is provided to adapt to any unique characteristics of the hosting computer [Bahlmann, col.1, ll.66 through col.2, ll.1]. It is for this reason that one of ordinary skill in

the art at the time of the invention would have been motivated in order to allow the users access from anywhere on the networks [Bahlmann, col.1, ll.65-66].

5. With respect to claims 2 and 14, Schmuelling further teaches wherein the subset or subsets are selected with a user interface [fig.2].

6. With respect to claim 3, Schmuelling further teaches wherein the user interface is a computing device [fig.1].

7. With respect to claims 4 and 15, Schmuelling further teaches wherein the computing device is a personal computer [i.e. PC **127**].

8. With respect to claims 6 and 16, Schmuelling does not explicitly show wherein the server is a trivial file transfer protocol server.

In a provisioning method, Bahlmann suggests wherein the server is a trivial file transfer protocol server [i.e. TFTP server **220**].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Schmuelling in view of Bahlmann by implementing a trivial file transfer protocol server because this feature is provided to adapt to any unique characteristics of the hosting computer [Bahlmann, col.1, ll.66 through col.2, ll.1]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated in order to allow the users access from anywhere on the networks [Bahlmann, col.1, ll.65-66].

9. With respect to claims 7 and 21, Schmuelling further teaches wherein the first network device is an embedded MTA [i.e. external cable modem **128**].

10. With respect to claims 8, 17, and 20, Schmuelling further teaches wherein the communication features facilitate communication between the first network device and a second network device [fig.1].

11. With respect to claims 9 and 22, Schmuelling further teaches wherein the second network device is a cable modem termination system [i.e. CMTS **134**].

12. With respect to claims 10 and 23, Schmuelling further teaches wherein the second network device is a PacketCable provisioning server [i.e. CMI **136**].

13. With respect to claims 11 and 25, Schmuelling further teaches wherein the second network device is a media gateway [col.3, ll.44-65].

14. With respect to claims 12 and 24, Schmuelling further teaches wherein the second network device is a PacketCable call management server [col.3, ll.66 through col.4, ll.52].

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmuelling in view of Bahlmann.

16. With respect to claim 5, Schmuelling in view of Bahlman does not explicitly show that the computing device is a personal digital assistant. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Schmuelling in view of Bahlman by implementing the computing device as a personal digital assistant because this feature increases flexibility for users.

Response to Arguments

17. Applicant's arguments filed October 15, 2007 have been fully considered but they are not persuasive because of the following: Schmuelling teaches a method for configuring a first network device in a communication network [see abstract], comprising: selecting one or more subsets of a plurality of standardized network equipment configuration parameters by setting a variable to a certain value corresponding to the subset [i.e. send ISP list step 212 through step 220 of fig.2]; saving the values corresponding to the selected subsets to a database entry on a server with the user interface [i.e. change db entry, step 222 of fig.2]; loading the configuration parameters from the server to the first network device [i.e. loading configuration parameters step 518 of fig.5]; and setting software switches within the first network device based on the selected ISP [figs.2 and 5]. However, Schmuelling does not

explicitly show saving and loading the configuration file from the server to the first network device and setting software switches within the first network device based on the configuration file. In a provisioning method, Bahimann suggests saving and loading the configuration file [i.e. configuration file **202**] from the server to the first network device and setting software switches within the first network device based on the configuration file [col.1, ll.45 through col.2, ll.26; col.4, ll.5 through col.6, ll.65].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Schmuelling in view of Bahlmann by saving and loading the configuration file from the server to the first network device and setting software switches within the first network device based on the configuration file because this feature is provided to adapt to any unique characteristics of the hosting computer [Bahlmann, col.1, ll.66 through col.2, ll.1]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow the users access from anywhere on the networks [Bahlmann, col.1, ll.65-66].

18. In response to applicant's argument that "an equipment configuration parameter refers to software switches comprising type length variable", the examiner respectfully disagrees. The Applicant's argument does not commensurate with the scope of the claim. Claims 1, 13, and 19 directly or indirectly recite selecting one or more subsets of a plurality of standardized network equipment configuration parameter. However, claims 1 and 13 do not recite the limitation of "an equipment configuration parameter refers to software switches comprising type length variable" (emphasis added).

19. In response to applicant's argument that neither references discloses the method "wherein the communication feature facilitate communication between the first network device and a second device, the examiner respectfully disagrees. Schmuelling discloses the communication features facilitate communication between the first network device and a second network device [= facilitate communication between ISP and client, fig.2 step 214].

20. In response to applicant's argument that Bahlman cannot be used with providing the list of ISPs, the examiner respectfully disagrees. The applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as show in the above. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner admits that Schmuelling does not explicitly show wherein the server is a trivial file transfer protocol server. In a provisioning method, Bahlmann suggests wherein the server is a trivial file transfer protocol server [i.e. TFTP server **220**]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Schmuelling in view of Bahlmann by implementing a trivial file transfer protocol server because this feature is provided to adapt to any unique characteristics of the hosting computer [Bahlmann, col.1, ll.66 through col.2, ll.1]. It is for this reason that one of

ordinary skill in the art at the time of the invention would have been motivated in order to allow the users access from anywhere on the networks [Bahlmann, col.1, ll.65-66].

21. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Schmuelling in view of Bahlmann by saving and loading the configuration file from the server to the first network device and setting software switches within the first network device based on the configuration file because this feature is provided to adapt to any unique characteristics of the hosting computer [Bahlmann, col.1, ll.66 through col.2, ll.1]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to allow the users access from anywhere on the networks [Bahlmann, col.1, ll.65-66].

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday and every other Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Nghi Tran
Patent Examiner
Art Unit 2151

December 22, 2007



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